or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Notification No. LAW 80 LCA 1976

Bangalore, dated 14th September 1976.

Ordered that the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) published in Part II, Section 1 of the Gazette of India, Extraordinary dated 10th April 1976 bo republished in the *Karnataka Gazette*, for general information.

By Order and in the name of the Governor of Karnataka,

K. R. RAMASWAMY IYENGAR,
Assistant Draftsman and Ex-officio,
Deputy Secy. to Govt.,
61 *Department of Law and Parliamentary Affairs.*

Assented to on 10th April 1976, Act No. 61 of 1976.

THE IRON ORE MINES AND MANGANESE ORE MINES LABOUR WELFARE FUND ACT, 1976

(AS PASSED BY THE HOUSES OF PARLIAMENT)

AN

ACT

to provide for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines.

BE it enacted by Parliament in the Twenty-seventh Year of the epublic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States :

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification

and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State with effect from such date as may be specified in the notification published in the Official Gazette.

2. **Definitions**.—In this Act, unless the context otherwise requires,—

(a) "agent" and "owner" have the the meanings respectively assigned to them in clauses (c) and (l) of sub-section (1) of section 2 of the Mines Act, 1952 : (35 of 1952).

(b) "contractor" has the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970 ; (37 of 1970).

(c) "factory" and "occupier" have the meanings respectively assigned to them in clauses (m) and (n) of section 2 of the Factories Act, 1948 ; (63 of 1948).

(d) "Fund" means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund formed under section 3 ;

(e) "manager" means the manager referred to in section 17 of the Mines Act, 1962 ; (35 of 1952)

(f) "manganese ore" includes ferrogenous manganese ore of ferro-manganese ore ;

(g) "metallurgical factory" means—

(i) a factory in which iron or steel or manganese is being processed or manufactured ;

(ii) any other factory, being a factory in which iron ore or manganese ore is used for any purpose which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act ;

(h) a person is said to be employed in an iron ore mine or manganese ore mine,—

(1) if he is employed within the premises or in the vicinity of such mine by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in any one or more of the following, namely :—

(i) any iron or ore manganese ore mining operation ;

(ii) the operation, servicing, maintenance or repair of any machinery or any part thereof used in or about such mine ;

(iii) the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore ;

(iv) any work in any office, canteen or creche situated within the precincts of such mine ;

(v) any welfare, health, sanitary or conservancy services or any watch and ward duties at any place situated within such premises or vicinity, not being a place occupied by any residential building ; or

(2) if, in any such area as may be notified by the Central Government in the Official Gazette in this behalf, he is employed by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore ;

(i) "prescribed" means prescribed by rules made under this Act.

3. **Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund.**—There shall be formed a Fund, to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund, and there shall be credited thereto—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of duty of customs and duty of excise collected under section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976, after deducting therefrom, the cost of collection as determined by the Central Government under this Act ;

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

4. **Application of Fund.**—The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons employed in the iron ore mines and manganese ore mines, and in particular,—

(a) to defray the cost of measures for the benfit of persons employed in the iron ore mines or manganese ore mines directed towards—

(i) the provision and improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities ;

(ii) the provision and improvement of water supplies and facilities for washing ;

(iii) the provision and improvement of educational facilities ;

(iv) the provision and improvement of housing and recreational facilities including standards of living nutrition and amelioration of social conditions ;

(v) the provision of transport to and from the place of work ;

(b) to grant loan or subsidy to a State Government, a local authority or the owner of an iron ore mine or of a manganese ore

mine, in aid of any scheme approved by the Central Government for any purpose connected with the welfare of persons employed in iron ore mines or manganese ore mines ;

(c) to any annually grants-in-aid to such of the owners of iron ore mines or manganese ore mines who provide to the satisfaction of the Central Government welfare measures of the prescribed standard for the benefit of persons employed in their mines, so, however, that the amount payable as grants-in-aid to such owners shall not exceed—

(i) the amount spent by them in the provision of welfare measures as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amonnt as may be prescribed,

whichever is less :

Provided that no grant-in-aid shall be payable in respect of any welfare measures provided by the owner of an iron ore mine or of a manganese ore mine where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf ;

(d) to meet the allowances, if any: of the members of the Advisory Committee and the Central Advisory Committee constituted under section 5 and section 6 respectively and the salaries and allowances, if any, of persons appointed under section 8.

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

5. **Advisory Committees.**—(1) The Central Government may,—

(a) constitute for each State which produces iron ore or manganese ore an Advisory Committee, or

(b) where both iron ore and manganese ore are produced in a State, constitute, for such State, an Advisory Committee in respect of iron ore only or manganese ore only, or in respect of both,

to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed :

Provided that each Advisory Committee shall include an equal number of members representing Government, the owners of iron ore mines and manganese ore mines and the pessons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Officia Gazette the names of the members of every Advisory Committee.

6. Central Advisory Committee.—(1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed by the Central Government of whom one shall be a women and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

7. Powers to co-opt, etc.—(1) The Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. Appointment of Welfare Commissioners, etc., and their powers.—(1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrator, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(3) Every person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1960).

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the prope discharge of his duties ; and

(c) exercise such other powers as may be prescribed.

9. **Power of Central Government to exempt.**—Notwi hstandin anything contained in this Act, if the Central Government is satisfie that there is in force in any State or part thereof a law makin adequate provision for the financing of activities to promote the wel fare of persons employed in the iron ore mines of manganese or mines, it may, by notification in the Official Gazette, direct that all o any of the provisions of this Act shall not apply or shall apply to suc State or part thereof subject to such exceptions and modifications a may be speci- fied in the notification.

10. **Annual report of activities financed under the Act.** -Th Central Government shall, as soon as may be after the end of eac financial year, cause to be published in the Official Gazette a repor giving an account of its activities financed under this Act during the previous financial year, together with a statement of accounts.

11. **Power to call for information.**—The Central Government may require an occupier of a metallurgical factory or the owner, agent or manager of an iron ore mine or of a manganese ore mine to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

12. **Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the Fund may be applied for the measures specified in section 4 ;

(b) the conditions governing the grant of loan or subsidy under clause (b) of section 4 ;

(c) the standard of welfare measures to be provided by owners of iron ore mines or manganese ore mines for the purposes of clause (c) of section 4 ;

(d) the determination of the amount referred to in sub-clause (ii) of clause (c) of section 4 and in the proviso to that clause ;

(e) the composition of the Advisory Committees and the Central Advisory Committee constituted under section 5 and section 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them including co-opted members and invitees, and the

manner in which the said Advisory Committees and the Central Advisory Committee shall conduct their business ;

(f) the recruitment conditions of service and the duties of all persons appointed under section 8 ;

(g) the powers that may be exercised by a Welfare Commissioner, Welfare Administrator or an Inspector under section 8 ;

(h) the furnishing to the Central Government by the occupiers of metallurgical factories and the owners, agents or managers of iron ore mines or of manganese ore mines, of such statistical and other information as may be required to be furnished, from time to time by that Government under section 11 ;

(i) the form in which and the period within which statistics and other information are to be furnished under clause (h) ;

(j) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (h) or clause (i) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.